

III. Claims 14 and 15, drawn to RSV comprising a heterologous sequence from another strain of RSV, classified in class 435, subclass 172.3.

IV. Claims 14 and 16, drawn to RSV comprising a heterologous sequence derived from a virus other than RSV, classified in class 435, subclass 175.3.

V. Claims 17, 19-21, and 35 drawn to vaccines comprising RSV mRNA with a mutation or deletion of the M2-1 gene, classified in class 424, subclass 205.1 or 211.1.

VI. Claims 17, 18, 22-32, and 35, drawn to vaccines comprising RSV mRNA with M2-2, SH, NS1 or NS2 gene mutations or deletions, classified in class 424, subclass 205.1 or 211.1.

VII. Claims 33 and 34, drawn to vaccines comprising RSV mRNA and a heterologous sequence, classified in class 424, subclass 199.1.

In response to the restriction requirement, Applicants hereby elect, with traverse, to prosecute the claims of Group VI (now pending claims 17, 18, 22-32, and 35), drawn to vaccines comprising RSV mRNA with M2-2, SH, NS1 or NS2 gene mutations or deletions, classified in class 424, subclass 205.1 or 211.1.

Applicants respectfully traverse the Examiner's requirement for restriction. Applicants assert that, pursuant to M.P.E.P. § 803, the subject matter of at least groups I, II, V, and VI, *i.e.*, claims 1-13, 17-32, and 35 can be examined together in a single application without imposing a serious burden on the Examiner. The M.P.E.P. § 803 (Seventh Edition, Rev. 1, July 2000) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants submit that a search of the prior art for the vaccines comprising the respective RSVs, is cumulative in scope with a search for the respective RSVs, *i.e.*, the search of the prior art for any one group drawn to a vaccine would necessarily yield the prior art for the group drawn to the respective RSV. Additionally, Applicants respectfully point out that group V and group VI have both been classified in class 424, subclass 205.1 or 211.1. Thus, the classification system of the United States Patent and Trademark Office unambiguously supports the examination of group V and VI as characterized by the Examiner in one application. Applicants submit, therefore, that, according to M.P.E.P. § 803, at least groups I,

II, V, and VI should be examined together, because the search and examination of the claims belonging to these groups would not seriously burden the Examiner. Applicants reserve the right to petition from the Restriction Requirement under 37 C.F.R. § 1.144.

Please charge any necessary fee in connection with this Response to Restriction Requirement and Preliminary Amendment to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Applicants respectfully request that the foregoing amendments and remarks be entered into the record of the instant application.

Respectfully submitted,

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Enclosures